



City of NORFOLK

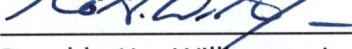
C: Dir., Department of Planning and Community Development

To the Honorable Council
City of Norfolk, Virginia

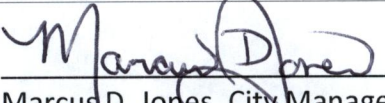
June 10, 2014

From: George M. Homewood, AICP CFM, Planning Director

Subject: **Special exceptions to operate a gas station – Wal-Mart**

Reviewed: 
Ronald H. Williams, Jr., Assistant City
Manager

Ward/Superward: 3/7

Approved: 
Marcus D. Jones, City Manager

Item Number:

R-1

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** To allow Wal-Mart to operate a gas station.
- IV. **Applicant:** Wal-Mart by Thomas C. Kleine
7530 Tidewater
- V. **Description**
 - Wal-Mart is proposing to construct a gas station containing six pumping stations.
 - The proposed hours of operation are from 5:00 a.m. to 9:00 p.m., Monday through Saturday and from 5:00 a.m. to 7:00 p.m. on Sunday.
 - The site will not have access directly from Tidewater Drive, but off of the main entrance into the Wal-Mart.
 - No convenience store will be associated with this gas station.
- VI. Staff point of contact: Susan Pollock at 664-4765, susan.pollock@norfolk.gov

Attachments:

- Staff Report to CPC dated May 22, 2014 with attachments
- Proponents and Opponents
- Ordinance



City of NORFOLK

To the City Planning Commission
City of Norfolk, Virginia

May 22, 2014

From: Susan Pollock, CFM *SP*
Principal Planner I

Subject: Special exception to operate a
gas station at 7530 Tidewater Drive –
Wal-Mart

Reviewed: Leonard M. Newcomb, III *L. Newcomb III*
Land Use Services Manager

Ward/Superward: 3/7

Approved:

George M. Homewood
George M. Homewood, AICP, CFM
Planning Director

Item Number: 3

- I. **Recommendation:** Staff recommends approval of the special exception subject to the conditions contained in the ordinance, considering compliance with *Zoning Ordinance* requirements and consistency with approved plans.
- II. **Applicants:** Wal-Mart by Thomas C. Kleine
7530 Tidewater Drive
- III. **Description:**
The applicant is seeking to develop gas station on the same parcel as the existing Wal-Mart.
- IV. **Analysis**
The site is located on the east side of Tidewater Drive south of the entrance into Wal-Mart.

Plan Analysis

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.

Zoning Analysis

- Wal-Mart is proposing to construct a gas station containing six pumping stations.
- The proposed hours of operation are from 5:00 a.m. to 9:00 p.m., Monday through Saturday and from 5:00 a.m. to 7:00 p.m. on Sunday.
- The site will not have access directly from Tidewater Drive, but off of the main entrance into the Wal-Mart.
- No convenience store will be associated with this gas station.

Parking Analysis

- Under current parking regulations, the gas station is required to have one (1) parking space and no bicycle parking.
 - The applicant complies with the parking requirement.

Traffic Analysis

- Institute of Transportation Engineers figures estimate that this gas station will generate 2,023 vehicle trips per day.
- Experience indicates that majority of travel to the type of proposed use will not be new trips on the surrounding streets; instead, motorists already traveling the corridors will stop in on their way to somewhere else.
- Neither Tidewater Drive nor Little Creek Road are listed as being severely congested in the most recent update of the regional Congestion Management System study.

V. Financial Impact

- The property owner is current on taxes.
- The addition of a new commercial use on the site will generate additional tax revenue.

VI. Environmental

- The proposed development will be required to obtain Site Plan approval including landscaping and stormwater improvements.

VII. Community Outreach/Notification

- Legal notice was posted on the property on April 15.
- Letters were mailed to all property owners within 300 feet of the property on May 7.
- Notice was sent to the civic leagues by the Department of Communications and Technology on May 7.
- Legal notification was placed in *The Virginian-Pilot* on May 8 and 15.

VIII. Coordination/Outreach

This letter has been coordinated with the Departments of Planning and Community Development, Department of Public Works and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Proposed Conditions
- Location Map
- Zoning Map
- Application

Proponents and Opponents

Proponents

Thomas C. Kleine
222 Central Park Avenue
Virginia Beach, VA 23412

Carl Hultgren
4343 Cox Road
Glen Allen, VA 23116

Douglas Plummer
211 N. Record
Dallas, TX 75202

John Wright
Bohler Engineering
28 Blackwell
Warrenton, VA 20186


Opponents

None

Form and Correctness Approved 

By 
Office of the City Attorney

Contents Approved: 

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A GAS STATION (SALES ONLY) KNOWN AS "WALMART" ON PROPERTY LOCATED AT 7530 TIDEWATER DRIVE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of a Gas Station (sales only) known as "Walmart" on property located at 7530 Tidewater Drive. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 432 feet, more or less, along the eastern line of Tidewater Drive and 784 feet, more or less, along the northern line of Stanley Street; premises numbered 7530 Tidewater Drive.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the facility shall be from 5:00 a.m. until 9:00 p.m. Monday through Saturday and from 5:00 a.m. until 7:00 p.m. on Sunday.
- (b) There shall be no storage of inoperative or wrecked vehicles on the property.
- (c) On-site lighting shall be directed and shielded so as not to glare into any nearby properties or public right-of-way.
- (d) The dumpster shall be gated and not visible from any public right-of-way.
- (e) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk,

1992 (as amended) entitled "signs."

- (f) The site shall be developed generally in accordance with the attached conceptual site plan prepared by Bohler Engineering, dated April 3, 2014, attached hereto and marked as "Exhibit A", subject to any revisions that may be required by the City during the site plan review process.
- (g) The facility shall maintain a current, active business license at all times while in operation.
- (h) During all hours of operation, the facility operator shall be responsible for maintaining the premises to keep it free of litter, refuse, solid waste, and debris.

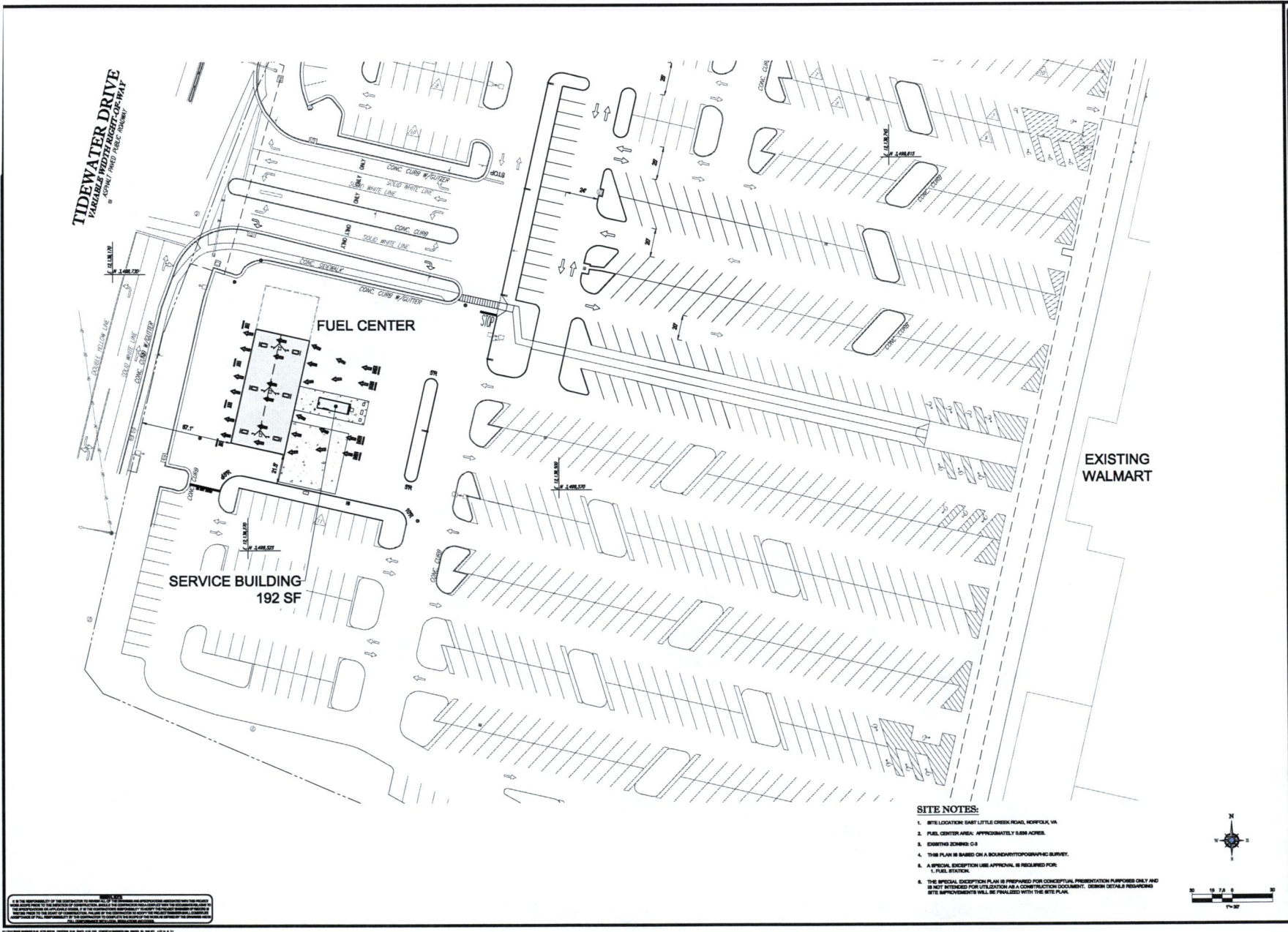
Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (1 page)



BOHLER ENGINEERING
CIVIL & CONSULTING ENGINEERS

PROJECT MANAGER: JOHN C. WRIGHT
DESIGNER: JOHN C. WRIGHT
CHECKER: JOHN C. WRIGHT
DATE: 4/21/2014

REV	DATE	COMMENT	BY
1	4/21/2014	FOR CITY COMMENTS	JOHN

NOT APPROVED FOR CONSTRUCTION

PROJECT NO: 1000000000
DESIGNED BY: JOHN C. WRIGHT
CHECKED BY: JOHN C. WRIGHT
DATE: 4/21/2014
CITY: NORFOLK, VA

SPECIAL EXCEPTION PLAN
FOR

Walmart

LOCATION OF SITE:
EAST LITTLE CREEK ROAD
CITY OF NORFOLK
NORFOLK, VIRGINIA

BOHLER ENGINEERING
100 BLACKWELL PARK LANE, SUITE 200
WARRENTON, VIRGINIA 20186
Phone: (541) 248-4000
Fax: (541) 248-0001
www.bohlerengineering.com

JOHN C. WRIGHT
Lic. No. 046060
4/21/2014

SPECIAL EXCEPTION PLAN

SHEET NUMBER
3
OF 3

Wal-Mart
7530 Tidewater Drive
Gas Station Conditions

- (a) The hours of operation for the facility are from 5:00 a.m. to 9:00 p.m., Monday through Saturday and from 5:00 a.m. to 7:00 p.m. on Sunday.
- (a) There shall be no storage of inoperative or wrecked vehicles.
- (b) The primary function performed on this portion of the site will be the sale of gasoline.
- (c) On-site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties or public right-of-way.
- (d) The dumpster shall be gated and not visible from any public right-of-way.
- (e) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the *Zoning Ordinance of the City of Norfolk*, 1992 (as amended), entitled "Signs."
- (f) The site shall be developed generally in accordance with the attached conceptual site plan as prepared by "Bohler Engineering," dated April 3, 2014 attached hereto and marked as "Exhibit A.", subject to required revisions made during the Site Plan Review process.
- (g) The facility shall maintain a current, active business license at all times while in operation.
- (h) The facility shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (i) During all hours of operation, the facility operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (j) No business license shall be issued until condition (f) has been implemented fully on the site.

Print name: Thomas C. Kleine, Counsel to Applicant

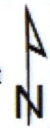
Sign: Thomas C. Klein, Esq. Date: 5.22.14

Location Map

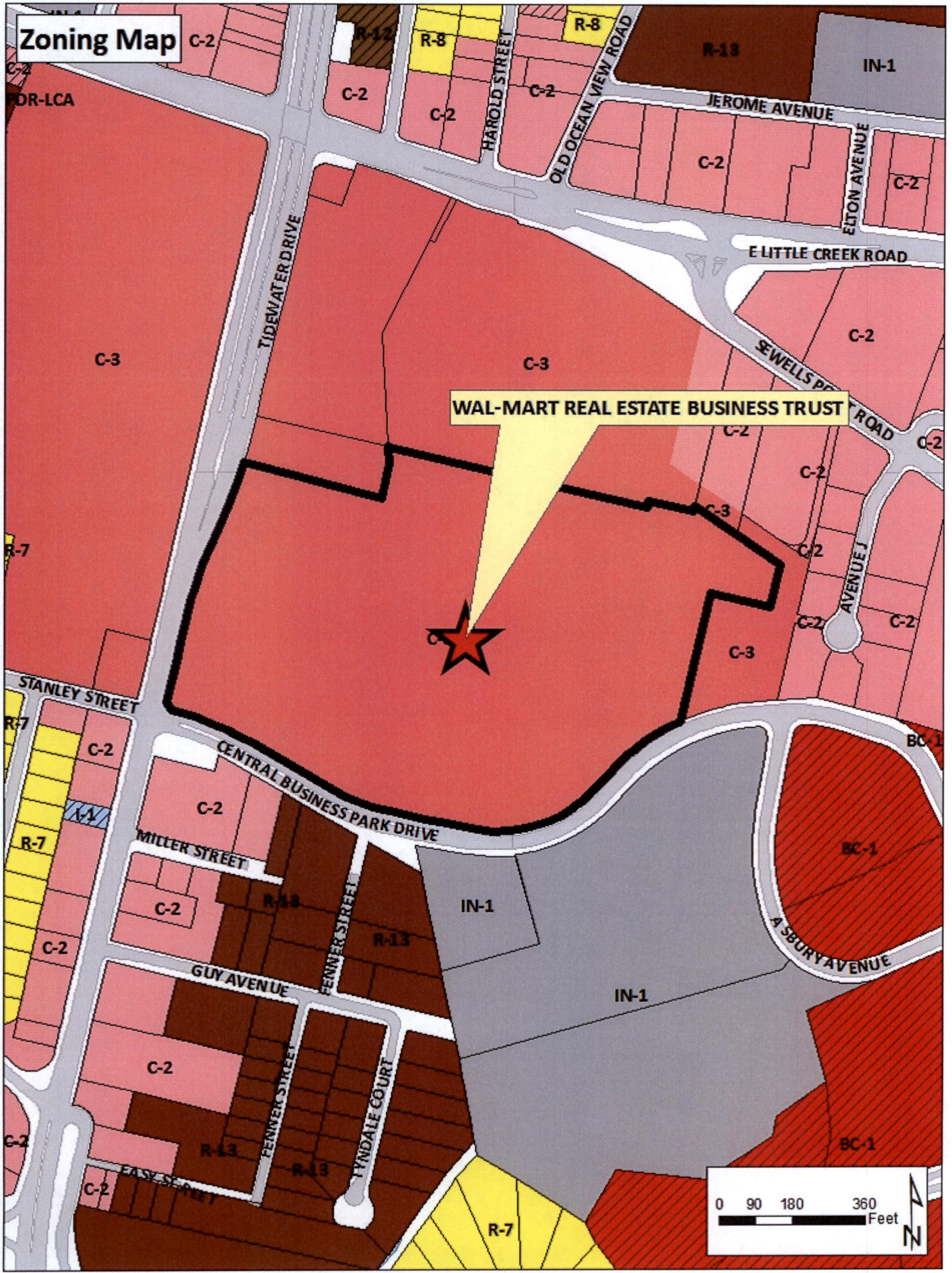


WAL-MART REAL ESTATE BUSINESS TRUST

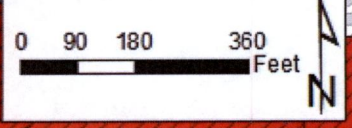
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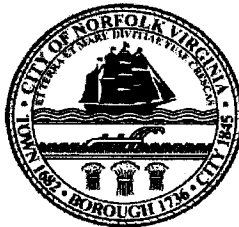


Zoning Map



WAL-MART REAL ESTATE BUSINESS TRUST





**APPLICATION
SPECIAL EXCEPTION**

Special Exception for:

Date of application:

DESCRIPTION OF PROPERTY

Property location: (Street Number) (Street Name)

Existing Use of Property

Current Building Square Footage

Proposed Use

Gas station as accessory use to existing Wal-Mart retail store and to proposed Sam's Club membership retail store

Proposed Square Footage

Proposed Hours of Operation:

Weekday From To

Friday From To

Saturday From To

Sunday From To

Trade Name of Business (If applicable)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) (First) (MI)

Mailing address of applicant (Street/P.O. Box):

(City) (State) (Zip Code)

Daytime telephone number of applicant Fax number

E-mail address of applicant:

2. Name of property owner: (Last) (First) (MI)

Mailing address of property owner (Street/P.O. box):

(City) (State) (Zip Code)

Daytime telephone number of owner Fax number

CIVIC LEAGUE INFORMATION

Civic League contact:

Date(s) contacted:

Ward/Super Ward information:

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
 - ✓ Two 8½ x 14 inch copies of a survey or site plan drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking,
 - Landscaping
 - Property lines (*see attached example).
-

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Thomas C. Klein Sign: Thomas C Klein 7 1 14
(Property Owner or Authorized Agent Signature) (Date)

Counsel to Prop. Owner

Print name: Thomas C. Klein Sign: T.C.K. 4 7 14
(Applicant or Authorized Agent Signature) (Date)

Counsel to applicant

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

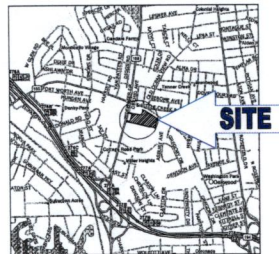
(Revised July, 2013)

SPECIAL EXCEPTION PLAN

FOR

FUEL CENTER

LOCATION OF SITE
EAST LITTLE CREEK ROAD
CITY OF NORFOLK, VIRGINIA



LOCATION MAP
COPYRIGHT 2011
DELOM STREET ATLAS 2004 PLUS USA
SCALE: 1"=4000'

OWNER/DEVELOPER
WAL-MART STORES, INC.
2001 S.E. 10TH STREET, SWDC
BENTONVILLE, ARKANSAS 72716-0550

PREPARED BY



BOHLER
ENGINEERING

28 BLACKWELL PARK LANE, SUITE 201
WARRENTON, VIRGINIA 20186
Phone: (540) 349-4500
Fax: (540) 349-0321
www.BohlerEngineering.com

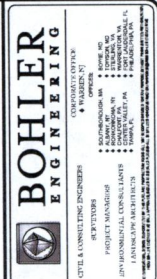
CONTACT: JOHN C. WRIGHT, P.E.

CONTACT INFORMATION

GOVERNING AGENCIES
* CITY OF NORFOLK PLANNING DEPARTMENT
CITY OF NORFOLK
1000 PARK STREET
NORFOLK, VA 23510
PHONE: (757) 866-4752

SHEET INDEX

SHEET TITLE	SHEET NUMBER
COVER SHEET	1
EXISTING CONDITIONS	2
SPECIAL EXCEPTION PLAN	3



REV	DATE	REVISIONS	BY
1	4/21/2014	PER CITY COMMENTS	JCW



NOT APPROVED FOR
CONSTRUCTION
PROJECT NO.: V-3801
DRAWN BY: JCH
CHECKED BY: JCH
DATE: 4/21/14
SCALE: AS SHOWN
CADD FILE: EEP

PROJECT:
SPECIAL
EXCEPTION
PLAN
FOR



LOCATION OF SITE:
EAST LITTLE CREEK ROAD
CITY OF NORFOLK
NORFOLK, VIRGINIA



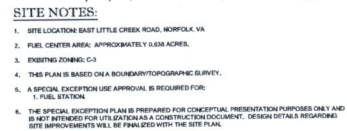
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WARRENTON, VIRGINIA 20186
Phone: (540) 349-4500
Fax: (540) 349-0321
www.BohlerEngineering.com



SHEET TITLE:
COVER
SHEET

SHEET NUMBER:
1
OF 3

It is the responsibility of the contractor to verify the accuracy of the information provided on this plan. The contractor shall be responsible for any errors or omissions on this plan. The contractor shall be responsible for any errors or omissions on this plan. The contractor shall be responsible for any errors or omissions on this plan.



SHEET NUMBER:
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